

28678. Adulteration and misbranding of Nevins Solution Argyrol, Nevins Antiseptic Baby Oil, and Nevins Saltabs. U. S. v. Morris Soble, Harry S. Sylk, Albert J. Sylk, Bernard Weinberg, and William H. Sylk (Nevins Drug Co.). Pleas of nolo contendere. Fine, \$500. (F. & D. No. 40774. Sample Nos. 42214-C, 42228-C, 42232-C.)

This case involved Solution Argyrol which contained less argyrol than declared on the label, Antiseptic Baby Oil which was represented to be an antiseptic and to contain an appreciable amount of olive oil but which was not antiseptic and contained not over 5 percent of olive oil, and Nevins Saltabs which were labeled to indicate that they derived their laxative properties from Epsom salt but derived such properties from phenolphthalein.

On February 25, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris Soble, Harry S. Sylk, Albert J. Sylk, Bernard Weinberg, and William H. Sylk, copartners trading as Nevins Drug Co., alleging shipment by said defendants in violation of the Food and Drugs Act between the dates of April 8 and May 23, 1937, from the State of Pennsylvania into the State of Maryland of quantities of the hereinafter-described drug preparations which were adulterated and misbranded. The articles were labeled variously: "Nevins Solution Argyrol 5% * * * Nevins Laboratories, Phila. Penn. Distributors"; "Nevins Hospital Brand Antiseptic, U. S. P. Baby Oil. * * * Nevins Drug Stores, Phila. Penna."; "A Nevins Product Saltabs * * * Nevins Laboratories, Phila., Pa., Distributors."

The Solution Argyrol was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 5 percent of argyrol; whereas it contained less than represented, namely, not more than 2.95 percent of argyrol. It was alleged to be misbranded in that the statement "Solution Argyrol 5%," borne on the bottle label, was false and misleading.

The Antiseptic Baby Oil was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to be an antiseptic and to contain an appreciable amount of olive oil; whereas it was not antiseptic and consisted of 95 percent of mineral oil and not more than 5 percent of olive oil. It was alleged to be misbranded in that the statements "Antiseptic U. S. P. Baby Oil" and "Nevins Antiseptic Baby Oil is a combination of pure olive oil and mineral oil," borne on the bottle label, were false and misleading in that the said statements represented that the article was antiseptic baby oil which was recognized in the United States Pharmacopoeia and that it contained an appreciable amount of pure olive oil; whereas the article was not mentioned in the said pharmacopoeia, it was not antiseptic, and it consisted of 95 percent of mineral oil and not over 5 percent of olive oil.

The product Saltabs was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be "Saltabs," an article owing its laxative properties to Epsom salt; whereas it did not owe its laxative properties to Epsom salt but to phenolphthalein. It was alleged to be misbranded in that the statement "Saltabs" was false and misleading in that it represented that the active ingredient of the article was a salt, namely, magnesium sulphate, or Epsom salt; whereas the active ingredient was phenolphthalein.

On March 25, 1938, the defendants entered pleas of nolo contendere, and the court imposed fines in the total amount of \$500.

W. R. GREGG, *Acting Secretary of Agriculture.*

28679. Misbranding of Seeqit. U. S. v. 10 Tubes and 48 Packages of Seeqit. Default decrees of condemnation and destruction. (F. & D. Nos. 41275, 41276. Sample Nos. 57560-C, 57561-C.)

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects and false and misleading representations that it might be consumed without risk of ill effects.

On December 28, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 tubes and 48 packages of Seeqit at Newark, N. J., alleging that the article had been shipped in interstate commerce on October 27 and November 2, 1937, from New York, N. Y., by Seeqit & Tiques, Inc., and charging misbranding in violation of the Food and Drugs Act as amended.